

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:21-CV-00113-KDB-DCK**

TAMMY L. CLARK,

Plaintiffs,

v.

NEWREZ LLC,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Default Judgment ("Motion") (Doc. No. 5). Plaintiff filed her Complaint on July 21, 2021. The Summons and Complaint were duly served upon the Defendant, NewRez LLC d/b/a Shellpoint Mortgage Servicing. No answer or other pleading has been filed as required by law. The Defendant has failed to make an appearance either personally or by a representative. Accordingly, on September 10, 2021 the Clerk of Court granted Plaintiff's request for Entry of Default. The Plaintiff now moves this Court to grant her Motion pursuant to Rule 55(b) Federal Rules of Civil Procedure. The Court has carefully considered this motion and related exhibits. For good cause shown and in the absence of any response from Defendants, the Court will **GRANT** the motion.

ORDER

NOW THEREFORE IT IS ORDERED THAT:

1. Plaintiff's Motion for Default Judgment (Doc. No. 5) is **GRANTED**;
2. Default Judgment is hereby **ENTERED** in the amount of \$144,611.88¹;

¹ Ms. Clark, through Counsel, represented to the Court that if it found she suffered the same actual damages under multiple claims that she elects to take actual damages provided under the

3. Post-judgment interest on the Judgment shall accrue in accordance with Federal law; and
4. The Clerk is directed to close this matter in accordance with this Order.

SO ORDERED ADJUDGED AND DECREED.

Signed: December 7, 2021



Kenneth D. Bell
United States District Judge



North Carolina Debt Collection Act if they can be trebled. Accordingly, the Court finds (1) Ms. Clark suffered the same actual damages under all counts; and (2) pursuant to *In re Creech*, 513 B.R. 482 (Bankr. E.D.N.C. 2014) (discussing the 2014 language change in N.C. Gen. Stat. § 75–56 to allow for treble damages) the N.C.D.C.A. allows for treble damages. Thus, the Court awards \$110,411.88 (\$36,803.96 trebled) in actual damages, \$23,000.00 in statutory damages, \$10,800.00 in attorneys' fees pursuant N.C. Gen. Stat. § 75-16, and \$400.00 in costs for a total of \$144,611.88.